



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

**REQUIREMENT THAT FOREIGN AIR CARRIERS AMEND PLANS TO
ADDRESS THE NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN
AIRCRAFT ACCIDENTS**

NOTICE

This is to advise foreign air carriers serving the United States that the Vision 100-Century of Aviation Reauthorization Act (P.L. 108-176, 117 Stat. 2490, December 12, 2003) amends 49 U.S.C. § 41313(c) to require, among other things, that foreign air carriers submit to the Department and the National Transportation Safety Board additional assurances for their respective plans to address the needs of families of passengers involved in aircraft accidents. The content and filing requirements for the update to the plans applicable to foreign air carriers are set forth in section 809 of Vision 100. A copy of section 809 is attached.

The additional assurances required to be submitted are described in paragraph (b) of section 809 of Vision 100. In accordance with paragraph (c), foreign air carriers must submit their updated plans to the Department and the NTSB within 90 days of the statute's enactment. Since Vision 100 was signed into law on December 12, 2003, updated plans are due to be filed not later than March 11, 2004. Plans should be submitted to the Department and the NTSB at the following addresses:

Dockets – Dockets OST 98-3304
U.S. Department of Transportation
400 Seventh Street, S.W., Room PL 401
Washington, D.C. 20590

Erik Grosof
Office of Transportation Disaster Assistance
National Transportation Safety Board
490 L'Enfant Plaza East, S.W.
Washington, D.C. 20594

We note that the Department has exempted from the requirements of section 41313 those foreign carriers that currently hold, or may subsequently receive, Departmental authority to conduct operations in foreign air transportation using only small aircraft. (Order 98-1-31, issued February 3, 1998.) For purposes of the exemption, small aircraft are those designed to have a maximum passenger capacity of not more than 60 seats or a maximum payload capacity of not more than 18,000 pounds. Unless a foreign carrier falls within the above exemption, the requirements of section 41313 apply to all foreign carriers that currently hold, or may subsequently receive, Departmental authority to conduct operations in foreign air transportation, including those holding only all-cargo authority.

Each foreign air carrier should submit its plan in its entirety, that is, the plan as it exists with the new assurances as set forth in Vision 100. We expect each affected foreign air carrier to give a high priority to the timely preparation and submission of its updated plan. We remind each foreign carrier that, if it chooses to contract with an outside source to act as a point of contact and to provide services covered in the assurances, full responsibility for complying with the provisions of the law nevertheless remains with the foreign carrier.

We would also like to take this opportunity to request, on behalf of the NTSB, that each air carrier provide the NTSB an updated 24-hour telephone number for its operations center for use in the event of an emergency, and that the number be updated with the NTSB in the future as necessary.

Questions concerning contents of the plans may be addressed to Erik Grosz, Office of Transportation Disaster Assistance, NTSB, at (202) 314-6189. Questions concerning the applicability of the requirements of section 41313 to a particular foreign air carrier should be addressed to Dayton Lehman, Deputy Assistant General Counsel for Aviation Enforcement and Proceedings, DOT, at (202) 366-9342.

Thank you for your cooperation on this important issue.

By:

Samuel Podberesky
Assistant General Counsel for
Aviation Enforcement and Proceedings

Dated: January 20, 2004

(SEAL)

*An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov/reports>*

SEC. 809. AVAILABILITY OF AIRCRAFT ACCIDENT SITE INFORMATION.

(a) **DOMESTIC AIR TRANSPORTATION.**—Section 41113(b) is amended—

(1) in paragraph (16) by striking “the air carrier” the third place it appears; and

(2) by adding at the end the following:

“(17)(A) An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

“(B) At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by air carrier representatives about compensation by the air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

“(18) An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the air carrier will ensure that the

proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the air carrier's flight if that city is located in the United States.”

(b) **FOREIGN AIR TRANSPORTATION.**—Section 41313(c) is amended by adding at the end the following:

“(17) **NOTICE CONCERNING LIABILITY FOR MAN-MADE STRUCTURES.**—

“(A) **IN GENERAL.**—An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the foreign air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

“(B) **MINIMUM CONTENTS.**—At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by foreign air carrier representatives about compensation by the foreign air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

“(18) **SIMULTANEOUS ELECTRONIC TRANSMISSION OF NTSB HEARING.**—An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the foreign air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the foreign air carrier's flight if that city is located in the United States.”

(c) **UPDATE PLANS.**—Air carriers and foreign air carriers shall update their plans under sections 41113 and 41313 of title 49, United States Code, respectively, to reflect the amendments made by subsections (a) and (b) of this section not later than 90 days after the date of enactment of this Act.